

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board (Board) hereby gives Notice of Intended Action to amend Chapter 72, “Conveyances Installed On or After January 1, 1975,” and Chapter 73, “Conveyances Installed Prior to January 1, 1975,” Iowa Administrative Code.

While existing elevators have generally not been required to meet current standards and install modern safety technologies, these proposed amendments would require some limited upgrades of older elevators. The amendments propose to adopt by reference significant portions of the American Society of Mechanical Engineers (ASME) Safety Code for Existing Elevators and Escalators, known as A17.3 (2011). These proposed changes have a long history.

In 1975, Iowa adopted requirements for existing elevators that were loosely based on the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, A17.1 (1971), which is the predecessor to the ASME A17.1 code. Although the ASME A17.1 code for new elevators has been updated numerous times to reflect new technologies and safety improvements, there have been very limited changes to Iowa’s regulations for existing elevators since 1975.

ASME adopted its first edition of A17.3 in 1986, and there have been several subsequent editions. About 27 states and three cities are enforcing some form of A17.3. Iowa Code section 89A.3(3) gives the Board specific authority to adopt A17.3.

On February 24, 2010, the Board formed a subcommittee to study A17.3. The subcommittee met numerous times to evaluate the differences between A17.3 and Iowa’s current requirements for existing conveyances found in 875—Chapter 73. The subcommittee determined that there will be no significant impact on escalators in Iowa as a result of the adoption of ASME A17.3 (2011).

The subcommittee met with the State Fire Marshal regarding the impact of ASME A17.3 (2011) on emergency response. The Board decided to seek public comment regarding A17.3 (2011). In July 2012, the Board sent to 875 owners of older elevators written notices of the proposed changes and instructions for how to comment. The Board published advance notice of proposed rule making three times and used various electronic methods to notify stakeholders.

In September and October of 2012, the Board held public hearings in Des Moines, Ottumwa, Fort Dodge, Waterloo, and Creston. Forty-six members of the public attended a hearing, and many of them made verbal comments. In addition, about 30 written comments were received and reviewed by the Board.

The public response was mostly negative due to the cost of a new controller. As a result, the Board decided to exclude from further consideration adoption of the emergency response provisions and car top operation requirements that would have required a new controller. In lieu of car top operation requirements, the adoption of one narrow provision of ASME A17.1 (2013) that requires car top lights and outlets is proposed herein to achieve minimal safety improvements for inspectors and mechanics without the cost of a new controller.

The Board also decided to conduct a one-year survey of existing elevators to obtain better data about what upgrades would be required by the adoption of ASME A17.3 (2011). All elevator inspectors were instructed to complete the survey form for each elevator that was installed prior to 1993 and was inspected during calendar year 2013. Most owners of older elevators now have specific information about what ASME A17.3 (2011) would require for their equipment because copies of the completed surveys were left with the building owners. The survey data was tabulated in 2014.

Although the Board recognizes that there will be costs for building owners associated with the ASME A17.3 (2011) upgrades, the Board also recognizes the importance of the upgrades for the safety of passengers, freight handlers, elevator mechanics and inspectors. A car door restrictor can, for as little as \$400, prevent someone from falling down a hoistway. Emergency lights and a telephone in an elevator car are important for a trapped passenger. Many upgrades eliminate hazards for inspectors and elevator mechanics. For example, a counterweight weighs hundreds or thousands of pounds. For a price of about \$300, a counterweight guard could prevent someone from being crushed by a falling counterweight.

By providing for a 2020 implementation date, the Board will allow building owners five years to make the necessary changes to their equipment. The Board plans an outreach program to notify building owners of the requirements. Although no variance procedures are included in these amendments, applicable variance procedures are set forth in 875—Chapter 66. A variance application form is available on the Board's Web site, and the Board typically reviews variance applications several times a year.

The purposes of these amendments are to protect the health and safety of the public and implement legislative intent.

A public hearing will be held on January 9, 2015, at 8:30 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than January 9, 2015, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

After analysis and review, this rule making could have an impact on jobs. However, the five-year grace period allows building owners flexibility to make updates that are necessary to meet minimum safety requirements.

These amendments are intended to implement Iowa Code chapter 89A.

The following amendments are proposed.

ITEM 1. Amend rule 875—72.10(89A) as follows:

875—72.10(89A) General requirements.

72.10(1) The provisions contained in ASME A17.1, Part 8, are adopted by reference unless specifically excluded herein.

72.10(2) Except as noted in this rule, the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011), is adopted by reference with an enforcement date of May 1, 2020.

a. If a code provision that is more restrictive than A17.3 (2011) applied to a conveyance when the conveyance was installed, the more restrictive provision shall remain in effect.

b. A17.3 (2011) Part X applies to handicapped restricted use elevators without regard to the scope provisions set forth in A17.3 (2011) Part X.

c. Provisions of A17.3 (2011) that require installation of a new controller to implement Phase 1 and Phase 2 fire service or car top operation are not adopted by reference and shall not be enforced in Iowa.

d. A17.3 (2011), Rule 2.3.2, is intended to prevent the accumulation of sewer gas in an elevator pit and shall not be interpreted to require the addition of a drain pipe in an existing pit. An air gap in an existing drain pipe shall be considered adequate compliance.

e. An elevator that was legally installed with guide rails made of materials other than steel shall not be required to replace the guide rails due to the adoption of A17.3 (2011).

ITEM 2. Amend rule 875—73.1(89A) as follows:

875—73.1(89A) Scope, and definitions, and schedule.

73.1(1) This chapter establishes minimum safety standards for all conveyances installed prior to January 1, 1975, except material lift elevators. Conveyances installed on or after January 1, 1975, shall conform with the requirements set forth in 875—Chapter 72. Material lift elevators installed prior to January 1, 1975, are not subject to regulation pursuant to Iowa Code section 89A.2.

73.1(2) The definitions contained in ~~ASME (1971)~~ American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, A17.1 (1971), shall be applicable as used in this chapter to the extent that they do not conflict with the definitions contained in Iowa Code chapter 89A or 875—Chapter 71.

73.1(3) Except as noted in this rule, the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011), is adopted by reference with an enforcement date of May 1, 2020.

a. If a code provision that is more restrictive than A17.3 (2011) applied to a conveyance when the conveyance was installed, the more restrictive provision shall remain in effect.

b. A17.3 (2011) Part X applies to elevators covered by rule 875—73.21(89A) without regard to the scope provisions set forth in A17.3 (2011) Part X.

c. Provisions of A17.3 (2011) that require installation of a new controller to implement Phase 1 and Phase 2 fire service or car top operation are not adopted by reference and shall not be enforced in Iowa.

d. A17.3 (2011), Rule 2.3.2, is intended to prevent the accumulation of sewer gas in an elevator pit and shall not be interpreted to require the addition of a drain pipe in an existing pit. An air gap in an existing drain pipe shall be considered adequate compliance.

e. The following shall substitute for the final sentence of A17.3 (2011) Rule 2.1.5(b): “Previously installed 60-inch chains are deemed to be in compliance.”

f. An elevator that was legally installed with guide rails made of materials other than steel shall not be required to replace the guide rails due to the adoption of A17.3 (2011).

73.1(4) The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, A17.1-2013/CSA B44-13 (2013), Rule 2.14.7.1.4, is adopted by reference with an effective date of May 1, 2020.

73.1(5) Rules 875—73.2(89A) through 875—73.6(89A), 875—73.9(89A) to 875—73.17(89A), 875—73.19(89A), 875—73.22(89A), and 875—73.24(89A); and subrules 73.1(2), 73.7(1) to 73.7(9), 73.7(11), 73.18(1), and 73.18(3) to 73.18(7) shall be superseded by corresponding provisions of A17.3 (2011) on May 1, 2020.